



## **MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION**

### **MARCH 8, 2006**

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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Commissioners Lenny Levy, Danny Winborne, and Alternate Lloyd Kaufman, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Caroline Seiden, and Recording Secretary Myriam Gonzalez. Absent: Commissioner Matthew Hopkins. Chair Bauer stated that Alternate Commissioner Kaufman would be participating this evening, as not all Commissioners were present.

Chair Bauer requested a motion to waive the Planning Commission Rules of Procedure to elect an interim Vice Chair so that certain applications can be processed. He noted that the Rules had already been waived to postpone the election of officers until a full Commission is constituted, given the existing vacancies. He announced that after the two vacancies are filled, the Commission would elect officers to serve for the remainder of the calendar year.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to suspend the Rules of Procedure to elect an Interim Vice Chair.

Vote: 4-0

Commissioner Winborne moved, seconded by Commissioner Kaufman, to nominate Lenny Levy as Interim Vice Chair of the Planning Commission.

Vote: 4-0

Commissioner Levy accepted.

#### **I. APPROVAL OF MINUTES**

February 15, 2006, Planning Commission Meeting

Interim Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the February 15, 2006, Planning Commission Meeting, as submitted this evening.

Vote: 3-0-1 (Abstained: Winborne)

#### **II. RECORD PLATS**

R-1181	--	Crown Pointe - Plat 1
R-1182	--	Crown Pointe - Plat 2
R-1183	--	Crown Pointe - Plat 3
R-1184	--	Crown Pointe - Plat 4

Interim Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Record Plat Agenda.

Vote: 4-0

### III. SITE PLANS

AFP-06-004 -- 802 Gatestone Street at Lakelands MXD Zone  
(Rubin Residence)  
192-Sq.Ft. Rear Sunroom  
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh located the property and introduced the applicant.

*Applicant Jonathan Tucker, Camelot Builders*, answered questions of Commissioners Winborne and Levy about the house number of the adjacent property and landscaping. Regarding the latter, Mr. Tucker noted that landscaping would be added on the rear of the property, but not on the side.

Chair Bauer noted that the Lakelands Design Review Committee had approved the application; and, in response to Commissioner Kaufman, added that the Committee's comments are not site plan relevant and not within the Commission's purview.

There was no public testimony.

Ms. Marsh stated that staff recommends approval with no conditions, as the plan complies with Zoning Ordinance §§ 24-170 and 24-172.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant AFP-06-004 - 802 Gatestone Street at Lakelands, AMENDMENT TO FINAL PLAN APPROVAL, finding the plan in compliance with Zoning Ordinance §§ 24-170 and 24-172.

Vote: 4-0

SP-06-0001 -- Commerce Bank  
810 West Diamond Avenue  
Redevelopment of Existing Restaurant  
For a Bank with Drive-Thru Windows  
FINAL PLAN REVIEW

Planner Seiden located the property on an aerial map, noting this was the site of the former Chili's Restaurant. She noted the site access off Bureau Drive and provided background information on this proposal's previous approvals.

*Attorney for the applicant, Jody Kline, Miller, Miller and Canby*, voiced the applicant's agreement with staff's suggested approval conditions and complimented the City for its organization of the site plan review process.

*Engineer for the applicant, Shawn Frost, Bohler Engineering, answered Commissioner Winborne's inquiry about turning movements and noted that there is sufficient space for maneuvering at the entrance to the drive-thru lane. In response to questions of the Commission, he discussed handicap parking, lighting, and signage and indicated that the plan includes no sidewalk along the driveway abutting the Lone Star Restaurant site, since there is no parking behind it.*

In response to the sidewalk issue, Mr. Kline noted there is some space to add a sidewalk if the Commission deems it necessary. Mr. Kline elaborated on Condition #1 of the Staff Comments for Interim Vice-Chair Levy, noting ongoing negotiations with the adjacent office building for relocating their sign and placing a bank monument sign at the Bureau Drive entrance road.

Ms. Seiden stated the photographs of the site indicate there is sufficient lighting on the site. Community Planning Director Schwarz noted the City Engineer reviews plans for lighting requirement compliance. Ms. Seiden also noted that the proposed signage is less than the Ordinance allows, and stated the plan complies with §§ 24-170 and 24-172, subject to conditions that she listed.

Chair Bauer noted that traffic would increase within the site with this use making the addition of a sidewalk along the south side of the property necessary. The Commission agreed with his comments and with staff's findings and moved as follows:

Interim Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-06-0001 - Commerce Bank, FINAL PLAN APPROVAL, finding the plan in compliance Zoning Ordinance §§ 24-170 and 24-172, with the following conditions:

1. Monument sign at driveway entrance will be permitted only upon removal of the existing Quince Tree Executive Center sign currently on the property;
2. Final storm water management, lighting, and signing and marking plans are to be approved by Department of Public Works, Park Maintenance and Engineering (DPWPM&E) before the issuance of site work permits;
3. Parking lot modifications to 808 West Diamond Avenue are to be approved by staff (minor amendment) after the execution of an access easement agreement with Lone Star Steakhouse and before the issuance of any permits;
4. The poster box sign on the east façade of the building is permitted, but may not be internally illuminated;
5. Applicant is to work with staff to ensure drive aisle width on the south side of the building is adequate; and
6. Applicant is to work with staff to enhance pedestrian safety along the drive aisle.

Vote: 4-0

AFP-06-007 -- 817 Linslade Street at Lakelands  
(Former Green's Market)  
Reuse to Professional Office  
AMENDMENT TO FINAL PLAN REVIEW

MXD Zone

Planner Marsh located the property on an aerial plan, presented photographs of the existing building, and provided background information about the house and its uses. She stated the applicant proposes to change the use on the first floor to office, and the other two stories would remain residential. In response to Chair Bauer, Ms. Marsh noted that the plan complies with the parking requirements and meets the parking needs of the new use. Planning and Code Administration Director Ossont referenced a letter from the Lakelands Community Board

of Directors in support of this application. Ms. Marsh requested the Commission's direction regarding signage, as the latter is not part of this application.

The following was testimony from the public:

*Ed Quinn, 402 Linslade Street*, voiced a concern over the absence of parking on the site and traffic generation of the new use, noting that on-street parking might pose safety hazards at the intersection. He inquired about the hours of operation and feared the replacement of the rear garage for a parking pad.

*Applicant Steve Eckert, Classic Community Corporation*, noted the garage would not be removed for parking that already exists in the garage.

*Prospect Proprietor Michael Fox, Michael D. Fox Realtors*, stated the use would be a family real estate business that includes one or two agents and a receptionist. He indicated all business is by appointment, noting that most of the business is conducted off site, except for the receptionist, who would be there from 9:00 a.m. to 5 p.m. He added he would be occupying the above stories as his residence.

Community Planning Director Schwarz noted the traffic generation of the former use, Green's Market, was greater than this proposal. Commissioner Kaufman added that his Kentlands residence is across the street from a similar real estate business operation and the traffic generation there is minimal and has no traffic impact on the area.

*Mary Frilly, Lakelands resident*, voiced strong concerns over children's safety due to the proximity of the school bus stop, the park, and traffic at the existing four-way stop in front of the property.

*Donna Rosenthal and Mike Abriatto, Lakelands residents*, spoke in support of the application, noting the proposed use would be of low impact to the area.

In response to Chair Bauer, Ms. Marsh stated the applicant has indicated that the signage proposal would not include a monument sign or lighting. Community Planning Director Schwarz noted that building, rather than monument, signage would be appropriate. Chair Bauer also noted that the recently-adopted Sign Ordinance provides clear stipulations for this type of operation and added that if the new signage replaces the existing, the sign application would not need Commission approval, unless staff deems it necessary.

Regarding the proposed reuse, Chair Bauer considered the subject plan of little impact to the community. He added that the plan can also be reviewed by the City Traffic Engineer in light of concerns expressed in tonight's testimony as to the existing conditions at the four-way intersection. Commissioner Kaufman agreed and additionally noted that on-street parking in the Traditional Neighborhood Design actually acts as traffic-calming measure due to the width of the streets. The Commission concurred on the language for an additional condition regarding signage.

Ms. Marsh stated the plan meets the approval criteria in §§ 24-170, 24-172 and 24-219(b) of the Zoning Ordinance, with the conditions as listed in the following motion.

Commissioner Winborne moved, seconded by Interim Vice-Chair Levy, to grant AFP-06-007 - 817 Linslade Street at Lakelands, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172 and 24-219(b), with the following condition:

1. Applicant and successors are to replace in kind the existing blade sign, and any additional signage would require Planning Commission approval.

Vote: 4-0

AFP-06-003 -- Hidden Creek Land Bay 3  
 Lots 1-89/Block J and 23-92/Block M  
 M/I Homes  
 Shifting of Lots/Units, Grade Adjustment,  
 And Revisions to Architectural Elevations  
 AMENDMENT TO FINAL PLAN REVIEW

MXD Zone

Community Planning Director Schwarz located the site and introduced the applicant.

Ryan White, *Rodgers Consulting, Inc.*, presented and discussed the plan, noting it proposes minor site revisions that include lot line adjustments for the final architecture, grading changes, relocation of utility easements, as well as a new "Georgetown" architectural design for the front of units near a utility easement. He also noted the revisions resulted in a parking reduction of 17 spaces, leaving a surplus of 149 spaces. In response to Commissioner Winborne, Mr. White stated that Section II of Hidden Creek is still vacant land. Community Planning Director Schwarz indicated the Homeowners Association and property owners of occupied units within 200 feet of the subject properties were notified of this review.

Kim McCary, Rodgers Consulting, Inc., responded to Commissioners Kaufman and Levy regarding the resulting height of the subject units and changes to rear/side elevations, noting they were not affected.

There was no testimony from the public.

Mrs. Schwarz stated that the plan complies with Zoning Ordinance §§ 24-170 and 24-172, with conditions that she listed. The Commission agreed with staff's findings and recommended conditions and moved as follows:

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant AFP-06-003 - Hidden Creek Land Bay 3, AMENDMENT TO FINAL PLAN APPROVAL, finding the plan in compliance Zoning Ordinance §§ 24-170 and 24-172, with the following conditions:

1. Applicant is to revise the parking chart on the cover sheet of the original site plan before the issuance of building permits; and
2. Applicant is to receive approval by the Department of Public Works, Park Maintenance, and Engineering of the curb and wall details for the driveways before the issuance of building permits.

Vote: 4-0

#### IV. FROM THE COMMISSION

Interim Vice-Chair Levy

Thanked the Commission for electing him Interim Vice-Chair.

Commissioner Winborne

Thanked former Commissioner Victor Hicks for his leadership during his years of service to the City.

V. FROM STAFFPlanning and Code Administration Director Ossont

Listed upcoming meetings, which included a joint work session on Annexation X-182 (Crown Farm Property) on March 13, the G.E. Tech Park Special Study Area Town Hall meeting on March 15 at the Lakelands Park Middle School, and a Staff presentation before the Montgomery County Park and Planning Board on March 16.

Community Planning Director Schwarz

1. Reminded the Commission of the March 20 joint public hearing on HD-31.
2. Announced that Jackie Marsh had been promoted to the Planner position.

VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:40 p.m.

Respectfully submitted,

M. Gonzalez  
Recording Secretary